1908-032 Chancery Causes: Pennington Gap Improvement Co] vs. A. Flanary &
Lee Co.

Johnson, Alderson, A. Flanary & Co], Pennington

CA-Debt
T-Property

To the Hon.H.A.W.Skeen,Judge of the Circuit Court for Lee County:

Your orator,Pennington's Gap Improvement Company,a Virginia corporation,respectfully represent and show unto your Honor,that on the 13th day of August,1903,it was the owner in fee simple of four certain lots or parecels of land,lying and being in Lee County,Virginia,in the town of Pennington,and known on its plats as lots No.80, 81, 82, and 83,and each lot 25 feet front on West Railroad Avenue,and each running back ~~from~~ at right angles from said Avenue 100 feet and each forming a parallelogram; 25 feet by 100 feet that on that day it sold and by deed of that date conveyed the said four lots of land to A.Flanary, R.K.Johnson and T.J.Aldersonx for the sum of $376.00,of which sum $126.00 was paid down,and for the residue of the said purchase price, the said purchasers executed two notes,by signing their partnership name thereto,which was A.Flanary & Company payable to your orator,each in the sum of $125.00,and bearing even date with said deed of conveyance,-one due in one year with interest from its date and the other due in two years from its date, with interest,as will mor fully appear from said two notes, which are here filed,marked exhibits "A" and "B",and prayed to be made a part of this bill.

Your orator will further show and allege that in the deed which it made for said lots of land to said A.Flanary,R.K. Johnson and J.T.Alderson it reserved a vendor's lien in and upon the same to secure the said deferred payments,as would be seen from an inspection of the deed made,should said parties produce the same; that said two notes,that is,said $250.00,with interest thereon from the 13th,day of August,1903 is still due and owing and unpaid to your orator,and each and every of the same.

Your orator will further show unto your honor and allege, that said parties,up to the present have not had the deed afore-

said placed upon record in the Clerk's office for Lee County, so on that account,it is unable to produce herewith a certifyed copy of the same;and that the said R.K.Johnson and T.J.Alderson are non-residents of this State;and that there are no other liens upon said lots of land.

The premises considered,your orator is advised that its said vendor's lien for said balance of purchase money on said four lots of land,is enforceable only in a court of chancery, and to that end and purpose,it here prays that your honor take cognizance of its said cause of compalint.

Your orator therefore prays that said A.Flanary, R.K. Johnson and T. J. Alderson be made parties defendants to this bill;that they be required to answer the same,but they need not do so on oath as that is waived;that if they do appear and answer this bill they be required to file with their answer the said deed made to them by your orator,or a certified copy of the same,after they shall have had the same duly recorded; that a decree may be entered herein for the sale of said lots of land,or enough thereof to pay off said deferred payments, and the costs of this suit. And that an order of publication be duly made posted and published as the law requires in such cases for said R.K.Johnson and T.J.Alderson;and that all other and further relief by granted your orator that the nature of its cause may require. And it will ever pray,etc.

Pennington Bros. P.Q.

Pennington's Gap Lumber Co

vs } Bill

A. Flannagan

Costs:

Clerk	$5.28
Sheff.	.50
Tax	1.50
Printer	8.20
Atty	15.00
Estimated	21.00
	$52.48
Taxes 1904-5 —	2.90

$ 125.00 Pennington Gap, Va., Aug. 13th 1903

One Year after date we or either of us promise and bind ourselves to pay to the Pennington Gap Improvement Co. with Interest from date One Hundred & twenty-five Dollars

for value received. And as to the payment of this debt we hereby waive the benefit of the Homestead law and exemptions.

Given under our hands ~~and seal~~, this the 13 day of Aug. 1903

Witness:

A F Lauary & Co (Seal)

A F Lauary (Seal)

(Seal)

$ 125-00

Pennington Gap, Va., Aug. 13th 1903

Two years after date we or either of us promise and bind ourselves to pay to the Pennington Gap Improvement Co., with interest from date One Hundred & twenty-five Dollars

for value received. And as to the payment of this debt we hereby waive the benefit of the Homestead law and exemptions.

Given under our hands ~~and seal~~, this the 13 day of Aug. 1903

Witness:

A Flanary Co ~~(Seal)~~

A Flanary ~~(Seal)~~

~~(Seal)~~

Pennington's Gap Improvement Company,

vs.

A. Flanary, et al.

Decree.

This cause came on this day to be further heard upon the report and deed made by E. W. Pennington and filed in this cause on the 9th, day of ~~September~~ Dec., 1908, was argued by counsel.

Upon consideration of all which, and said report and said deed being unexcepted to, it is therefore adjudged, ordered and decreed that said report and deed be, and the same are hereby approved and confirmed.

And it is further adjudged, ordered and decreed that said ~~xxxxxxxxxxxx~~ A. S. Day and Joseph Alderson pay to the said E. W. Pennington the sum of ($5.00) five dollars for his services as Commissioner in making the said deed, and this cause is stricken from the docket.

Remington Gas Impl. Co.

vs. } Decree Final

A. Flannaghal

Entered in C.D.B.
#8, page 415

Enter this
Dec. 9. 1908
H. A. W. Sloan

Pennington's Gap Improvement Company,

vs.

A. Flanary, et al.

In Chancery.

This cause came on this day to be further heard upon the papers formly read herein and the report of the Commissioner, E. W. Pennington, filed in this cause on the 8th, day of ~~September~~ Dec, 1908. And was argued by counsel.

On consideration of all which and said report being inexcepted to for reason appearing to the Court it is hereby adjudged, ordered and decreed that said report be, and the same is hereby confirmed, amd the said Pennington is relessed from any other and further liability upon his bond as Commissioner in this cause.

And it appearing from said report that A. S. Day and Joseph Alderson, the purchasers of the four lots of land mentioned in the bill and proceedings in this cause have fully paid for the same, it is further adjudged, ordered and decreed that E. W. Pennington, who is hereby appointed a special Commissioner for the purpose, will make and deliver a good and sufficient deed to said Day and Alderson to said four lots of land, with covenants of Special warranty; and he will report his action to Court.

And until he shall have made said deed, and the coming in of his report of the making thereof this cause is passed.

Farmington Gas Mnf. Co

vs } Decree

A. Flannery et al

Entered in C.B.
#8, page 412 &c.

Enter this
Dec. 8 - 1908
H. C. W. Stuart

Pennington Gap, Improvement Company Plaintiff

vs

A. Flanery et al Defendants.

This cause came on again this day to be heard upon the papers formerly read therein, and the report of commissioner E.W. Pennington filed herein on May, 9th, 1906, which report shows the sale of the lots of land in bill and proceedings of this cause mentioned to have been made to A.S. Day and Joseph T. Alderson, and was argued by counsel. On consideration of all which and said report being unacceptable to, it is hereby adjudged, ordered and decreed that said report and sale be and the same ~~is~~ are hereby confirmed to said Day and Alderson, and said Pennington will pay out to those entitled the sum of ($55.43) fifty-five dollars and forty-three cents which he collected from said purchasers on the costs in this cause & commissions of sale, and when the residue of the purchase price of said lots of land becomes due he will collect the same from the said Day and Alderson and their security, and when he has collected the same he will pay the same to said plaintiff, and he will report his action to the court. And this cause is continued.

Pennington's G. Insp. &c

vs. } Deed

A. Flaherty et al

Entered in C.B.
#8 page 164 etc

Enter this
May 23 1906
H.A.W. Shum

Pennington's Gap Improvement Co.,Plaintiff.

Vs. Decree No.1.

A.Flanary,R.W.Johnson and J.T.Alderson,Defendants.

This cause came on this day to be heard upon the bill of the said complainant,and exhibits filed therewith,and was argued by counsel. The defendants R.W.Johnson and J.T.Alderson,who are non-residents of this State,and against whom the complainant appears to have proceeded in the manner provided by law against said non-residents defendant,and they still failing to appear and answer:and it further appearing that process in pursuance as said A.Flanary has been duly served for more than fifteen days before the first day of this term of the court,and for more than ten days before the return day thereof,and he failing to appear and plead,on motion of said complainant said bill is taken for confessed. On consideration of all which,and for reasons appearing to the court it is adjudged,ordered and decreed that said Complainant recover from said defendants the sum of $250.00,with legal interest thereon from the 15th day of August,1903,till paid, and the costs of this suit. And if said sum of money,its interest and costs of this suit are not paid within thirty days from this date,then R.M.Pennington,who is hereby appointed a special commissioner for the purpose,will after advertising the times,terms and place of same,by posting written or printed notices for thirty days at the front door of the court house of this county,and at the post office, in the town of Pennington Gap,Va., and at such other places as he may deem proper and advisable,of the time,place and terms of such sale,offer the four lots of land,mentioned in said complainants bill, or enough thereof to pay said sum of money,its interest and the costs of this suit and commissions of sale,for sale,at such time and place as he may deem proper, on a credit of one,and two years time,to the highest and best bidder,except a sum sufficient to pay the costs of this suit and commissions of sale,he will require to be paid down by the purchaser and take notes with good security for the deferred payments,

payable to himself as such commissioner, bearing interest from date of sale. He will make said sale at public auction and to the highest and best bidder. But before said Commissioner will execute the terms of this decree he will execute bond before the clerk of this court in the penalty of $500.00, conditioned to faithfully account for all money coming in to his hands as such commissioner. And he will report his action to court and this cause is continued.

Pennington's Estate Supreme Ct

vs } Decree No. 1

A. F. Lamar et al

Entered in C.C.B.
#8, Page 129 &c.

Enter this
Feb. 20th 1906
H. A. W. Sloan

Virginia,

Lee County,to-wit:

This day R. K. Pennington appeared in person before me, Clerk of the Circuit Court for the Co a ~~justice of the peace~~, in and for the county and State aforesaid,and made oath that R. K. Johnson and J. T. Alderson against whom the Pennington's Gap Improvement Company,a Virginia Corporation is about to institute a suit in equity in the Circuit court of the said County of Lee,are non-residents of this Commonwealth.

Given under my hand this the 6th day of January,1906.

J. H. L. Ewing Clerk ~~J.P.~~

Pennington's Gap

Impro. Leo

vs } Affidavit

A. Flannery et al

Pennington's Gap Improvement Company Plaintiff

Vs

A.F. Flanery et al. Defendants

To the Honorable H.A.W. Skeen, Judge of the Circuit Court for Lee County.

The undersigned, who was by an order entered on the 20th day of February, 1906, in the above styled cause, apnointed a special commissioner to sell lots 80-81-and 82 in block No-19 in the town of Pennington Gap, Va., or enough thereof to pay the costs of said suit, commissions of sale and the sum of ($250) Two Hundred and fifty dollars with interest thereon from August, 13th, 1903, till paid; provided said sum of money and the costs of said suit was not paid within thirty days to said plaintiff by said defendant, begs leave to report that said sum of money and the costs of said suit nor any part of either being paid, ~~that~~ as required by said decree on the 12th day of March, 1906, he posted written advertisements at the front door of the court house of Lee County, at the Post-office in Pennington Gap, at R.J. Wood& Sons' store in Pennington Gap, and on a tree in the Pocket Country, showing the time, place and terms of sale of said lots of land, a copy of which advertisement is here filed marked "Z" as a part of this report; that he fixed Saturday the 14th day of April, 1906, at the front door of the post-office in the town of Pennington Gap, as being a proper time and place of making said sale. And your undersigned commissioner on April, the 14th, 1906, at about the hour of 11 A.M. after announcing the terms of sale of said lots to the by-standers, offered the same for sale on the terms mentioned in said decree, and after crying such sale for some little time he knocked said four lots of land off to A.S. Day and Joseph E. Alderson for the sum of $345.43 who was the last, best and highest bidder for the same; and said Day and Alderson paid down to your commissioner the sum of $105.43 which was the costs of said suit, commissions of sale and the taxes to the

State, County, District and Corporation of Pennington Gap; and said Day and Alderson with one J. B. Harber as the security thereon executed two notes for $145.00 each, payable to himself as such commissioner and due in one and two years respectively, bearing interest from April, the 14th, 1906. Your commissioner advises a confirmation of said sale to said Day & Alderson of said lots of land.

Your commissioner holds said sum of $35.43 subject to your Honor's future order to be made in this cause.

All which is respectfully submitted this the 14th day of April, 1906.

E. H. Pennington

Special Commissioner.

P. Gallo Sanfrancisco

vs } Report of Sale

A. Flaxman et al

Filed May 9. 1906.

J. Fleet Ewing, Clerk.

Pennington's Gap Improvement Co.,

vs.

A. Flanary, et als.

In Chancery.

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County.

Your undersigned Commissioner begs leave to report that A. S. Day and Joseph Alderson has fully paid to him the two notes of($145.00) One hundred and forty-five dollars each bearing date on the 14th day of April, 1906. The payments made by them on said two notes are as follows:

Nov.4. 1907, by A. S. Day	$48.43.
May,4. 1908, by Joseph Alderson	40.00.
May,9, 1908, by A. S. Day	25.47.
Aug.13,1908, by A. S. Day	214.30.
Making a total of	$328.10.

This sum of money collected as aforesaid from said Day and Alderson, your Commissioner has turned over and paid to the said Pennington's Gap, Improvement Company.

Said two notes of said Day and Alderson were given your Commissioner for the balance of the purchase price on lots (80) eighty,(81) eighty-one, (82) eighty-two and (83) eighty-three in block number (19) nineteen, in the town of Pennington Gap, and each fronting on West Railroad Avenue (25) twenty-five feet and running back at right angles to said Avenue and between parallel lines (100) one-hundred feet.

Said Day and Alderson, the purchasers of daid lots of land in this cause now having fully paid for the same are entitled to have a conveyance made to them by of said lots of land; nd your Commissioner recommends to your Honor that he appoint a Commissioner for the purpose of

conveying to them a deed to said lots of land.

All of which is respectfully submitted, this the 14th day of August, 1908.

E. H. Pennington

Commissioner.

Pennington Gas Engr. Co

vs } Report of payment of Assessment

A. Flannery et al

Filed Oct 8 1908

H. C. P. Ewing,
Clerk.

Pennington's Gap Improvement Co.,

vs. In Chancery.

A. Flanary, et al.

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County.

Your undersigned Commissioner begs leave to report that on the 8th, day of ~~September~~ October, 1908, he was appointed and directed to make and deliver with covenants of special warranty a good and sufficient deed to A. S. Day and Joseph Alderson, the purchaser of the said four lots of land mentioned and described in the bill and proceedings of this cause, and known as lots number (80) eighty, (81) eighty-one, (82) eighty-two, and (83) eighty-three in block number (19) nineteen, in the town of Pennington Gap, begs leave to report that he has made such deed in pursuants to your Honors order and herewith files the same for the inspection of the Court.

All of which is respectfully submitted, this the 8th day of ~~September~~ October, 1908.

E. N. Pennington
Comr

Pennington Gas Indpt

vs } Robert L
Ord &

A. Flanary et al

Filed Dec 9 1908

H. C. P. Ewing,
Clerk.

Mr. Alonzo Hanay Collins 190 4.

To——Corporation of **PENNINGTON GAP, VA.**, **Dr.**

Levy .65 per. $100	Value of	Amount of Tax
REAL ESTATE, Lots in Bl. 19	100	.65
PERSONAL PROPERTY,		
Total		

5 per cent penalty, after Dec. 1St.

Received Payment. J. F. Yearyg

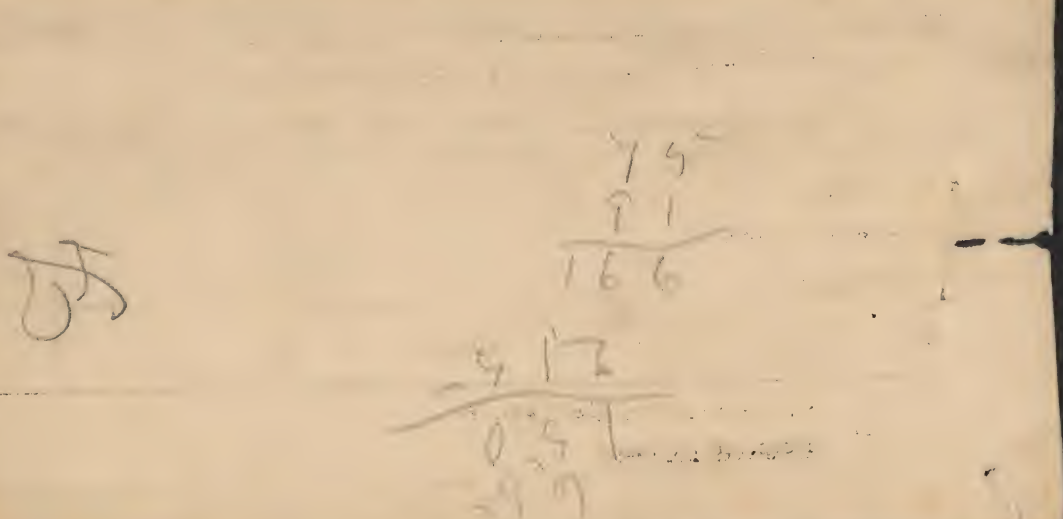
Messrs A. F. Lanary, R. N. Johnson & J. T. Anderson 190 5

To Corporation of PENNINGTON GAP, VA., Dr.

	Levy .75 per $100	Value of	Amount of Tax.
Real Estate,	lots, 80, 81, 82 & 83, block No. 19	200	1 50
Personal Property,			
Capitation,			
	Total,		

5 per cent. penalty after Dec. 1st.

Received payment, J. J. Yearyon



Mr. J. Stewart, R. K. Johnson & J. T. Anderson, Penn. Gap H S District

To A. M. ELY, Treasurer Lee County, Virginia, Dr.

No. P 40 No. L 33 1905		S Tax 20& 25 cts. on $100		St'e schl tax 10 cts on$100		Pensions 5 cts on $100		Co. Levy 40 cts. on $100		Ro'd T. 33⅓ cts. on $100		Co. sch'l tax 10 cts on$100		Dis Schl tax 20 cts on$100		TOTAL AMT OF TAXES.	
No. Tracts Lots Acres	Val.																
80, 81, 82, 83 Bl 19	100		20		10		05		40		33		10		20	1	38
																	7
TOTAL																1.	45
5 per cent pen'ty																	
Total																	
Interest																	
Total																	

Date Jan 26 1905. Received Payment J. C. Ely D. Treasurer

Mr A Flannary, R.K Johnston & J.T Alderson: Rocky Station District, No. 4.

To A. M. ELY, Treasurer Lee County, Virginia, Dr.

No. P	No. L	1904	Val.	S Tax 20 & 25 cts. on $100	St'e schl tax 10 cts on $100	Pensions 5 cts on $100	Co. Levy 40 cts. on $100	Road T. 33⅓ cts. on $100	Co. sch'l tax 10 cts on $100	Dis Schl tax 20 cts on $100	TOTAL AMT OF TAXES.
Head Tax				~~$1.50~~							~~$1.50~~
Per. Prop.											
Bonds, Notes &c											
No. Tracts Acres											
80, 81, 82 & 83 Lots Block 19			100	20	10	05	40	33	10	20	138
TOTAL											7
5 per cent pen'ty											

Received Payment, Jan 24 - 1906 J C Ely D. Treasurer. 1.45

BOATRIGHT PRINTING CO., GATE CITY, VA.

In the Clerk's Office of the Circuit Court of the county of Lee, on the 6th day of January, 1906

Pennington Gap Improvement Company a corporation, Plaintiff,

against

A. Flanary, R. K. Johnson and P. J. Alderson Defendants

The object of this suit is to subject four certain lots or parcels of land, lying and being in Lee County, Va., in the town of Pennington Gap, known on the plat of said town as lots No. 80, 81, 82, and 83 in Block 19, and each fronting on West R.R. Avenue 25 feet and running back at right angles to said Avenue, 108 feet, to the vendor's lien of said Complainant against said defendants and lots for $250.00, with interest thereon from the 13th day of August, 1903, till paid; said Complainant having sold said lots of land to said defendants, making them a deed to the same, but reserving therein a vendor's lien for said sum of money

And an affidavit having been made and filed that the defendants R. K. Johnson and P. J. Alderson are not residents of the State of Virginia, it is ordered that they do appear here within 15 days after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Jonesville Star and that a copy be posted at the front door of the Courthouse of this county as prescribed by law.

A copy—Teste:

Pennington Bros, p. q. S. P. C. S. Ewing Clerk.

Pennington Gap Imp. Co.

VS. { ORDER OF PUBLICATION

A. Flannery et al

Virginia, Lee County, to-wit:

I, S.H.G. Ewing, Clerk of the Circuit Court for the County aforesaid, in the State of Virginia, do certify that I posted a true copy of the within order of Publication at the front door of the Court-house on this day.

Given under my hand this the 8th day of January, 1906.

S.H.G. Ewing, Clerk.

Pennington's Gap Improvement Company,a Corporation, Complt.

Vs. In Chancery.

A.Flanary, R.K.Johnson and T.J.Alderson, Defendants.

Issue Spa.in Chancery for said defendants,returnable to First February Rules,1906. For said Flanary direct the Spa.to sheriff of Wise County,Va.,Make order of Publication for Johnson and Alderson. This Jan.4th,1906.

Pennington Bros.

The Commonwealth of Virginia,

To the Sheriff of the County of ~~Lee~~ Wise, Greeting:

WE COMMAND YOU, That you summon A. Flanary, A. K. Johnson and D. J. Anderson, late partners in trade under the firm name of A. Flanary & Company

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the 1st Monday in February, 1906 to answer a bill in chancery exhibited against them by The Cumnig Ton Gap Improvement Company, a Corporation

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 6th day of January, 1906, and 130th year of the Commonwealth.

A Copy, Teste: H. C. T. Ewing, Clerk.

_____, Clerk.

Pen. Gap Imp. Co.

VS { SUBPŒNA IN CHANCERY.

A. Flannary & Co.

P. Bros. p. q

To 1st February Rules.

Lee Circuit Court.

1906

on Jan 10 1906

Executed By
Serving a True
copy of Notice
on the Chancery in
Person
this the 10 Day of
Jan 1906 D R Shepherd DS

Order of Publication

In the Clerk's Office of the Circuit Court of the county of Lee, on the 6th day of January, 1906.

PENNINGTON GAP IMPROVEMENT COMPANY, a corporation, Plaintiff

Against

A FLANARY, R. K. JOHNSON AND T. J. ALDERSON, Defendents

In Chancery

The object of this suit is to subject four certain lots or parcels of land, lying and being in Lee county, Va., in the town of Pennington Gap, known on the plat of said town as lots No. 80, 81, 82 and 83 in block 19 and each fronting on west R. R. Avenue, 25 feet and running back at right angles to said avenue 100 feet, to the vendor's lien of said complaintant against said defendants and lots for $250.00 with interest thereon from the 13th day of August, 1903, till paid; said complaintant having sold said lots of land to said defendents, making them a deed to the same, but reserving therein a vendor's lien for said sum of money, and an affidavit having been made and filed that the defendents R. K. Johnson and T. J. Alderson are not residents of the State of Virginia, it is ordered that they do appear here within 15 days after due publication hereof, and do what is necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Jonesville Star and that a copy be posed at the front door of the Courthouse of this county as prescribed by law.

A copy--Teste:

H. C. T. EWING, Clerk.

Pennington Bros., p. q.

Pennington Gap Improvement Co.

vs } In Chancery

A. Flanary, et al.

I, J. C. Boatright, editor of The Jonesville Star, a weekly newspaper published in the county of Lee, state of Virginia, do hereby certify that the enclosed notice was published in said paper once a week for four successive weeks, commencing on the 11th day of January 1906

J. C. Boatright, Editor.

Fee $8.20

Pennington's Gas Impvs. Co

vs } Bill

N. Flaniary et al

1906. 1st February Rules
Bill filed Spa. 441
Cited as to N. Flaniary
& D.N. acto him and
Cas'd for D.C. as to R.E.
Johnson & F.J. Alderson
" 2nd February Rules
D.N. confirmed D.C.
Consolidation and cause
set for hearing.